

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE, JURISDICTION

CRIMINAL APPLICATION NO.5810 OF 2004

IN

CRIMINAL APPEAL NO.1279 OF 2004

Annappa Somanna Pujari,
convict No.C.2558, at
present, undergoing
imprisonment at Kolhapur
Central Prison, Kalamba,
Kolhapur.

....APPLICANT
(Orig.Accused)

Versus

The State of Maharashtra

....RESPONDENT

....
Miss.Sarojini Upadhyay, Advocate for the Applicant
(appointed).
Smt.V.R.Bhosale, APP, for the State.

....

**CORAM : D.G.DESHPANDE &
SMT.V.K.TAHILRAMANI, JJ.**

DATED : MARCH 28, 2006.

ORAL ORDER (PER TAHILRAMANI, J.)

. Heard Miss.Sarojini Upadhyay, learned
Advocate for the applicant and Smt.V.R.Bhosale,
learned APP for the State.

2. The applicant-orig.accused has preferred
this application for bail. The applicant has been
convicted under Section 302 of IPC and sentenced
to R.I. for life.

3. It is the case of the prosecution that the applicant committed murder of his wife Shashikala. The motive for the murder was that Shashikala was having illicit relations with Shrimant. There were frequent quarrels between the applicant and his wife on account of the illicit relations. On 01.11.2001 at about 9:00 a.m., there was quarrel between Shashikala and the applicant on account of illicit relations with Shrimant. At that time, the applicant gave blows with koyata (Article No.1) on the neck of Shashikala. Shashikala sustained six incised wounds on the neck and one other injury on her person. This incident was witnessed by the son of the applicant and Shashikala i.e. P.W.10 Malakari.

4. The evidence of P.W.10 Malakari shows that he was ten years old at the time of the incident. He has deposed in detail about the incident. He has stated that when he returned from the school for taking lunch, at that time, quarrel was going on in the house between his parents. The reason for the quarrel was that his father (applicant) was saying to his mother (deceased) as to why she was allowing Shrimant to sit in the house.

Thereafter, his father (applicant) gave blow on the neck of his mother (deceased) with Koyata. Though, this witness is a child witness, after carefully perusing his evidence, we find that his testimony inspires implicit confidence. Besides the evidence of this eye witness, there is other material on record also which connects the applicant with the crime, including the fact that the applicant had motive to commit the crime. The motive for the crime had also been deposed by P.W.10 Malakari. Hence, we are not inclined to grant the bail.

5. In the result, the application for bail is rejected.

(D.G.DESHPANDE,J.)

(SMT.V.K.TAHILRAMANI,J.)